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**BZA-1885  
THURMAN SANDERS  
Special Exception  
MEMO**

**August 22, 2013**

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**REQUEST MADE:**

Petitioner is requesting a special exception to legitimize an existing breeding kennel (SIC 0752) in the AA zone. The kennel would operate 7 days per week, 7 a.m. until 10 p.m. The property is located at 10112 S 700 E, Lauramie 17 (NE) 21-3. (UZO 3-2). Continued from the July 24, 2013 meeting.

**BACKGROUND:**

On July 11, 2011, an officer from the Tippecanoe County Sheriff's Department visited petitioner's kennel operation as a result of a complaint that several dogs "were in need of care." The Reporting Officer's narrative indicated there were 20-60 border collies at the site; an Animal Control violation was issued.

Then, on September 26, 2012 based on another complaint regarding unsanitary animal conditions from Tippecanoe County Animal Control, representatives from the County Health Department, Sherriff, Humane Society and Indiana State Board of Health visited the site. As a result of that visit, the County Health Department informed petitioner that a pole barn structure housing the business was declared a Public Health Hazard because of a lack of a "proper waste water disposal system."

The County's Administrative Officer (Ken Brown, County Building Inspector) made a determination based on site visits, aerial photos and building permit records that petitioner had illegally expanded a non-conforming use. Petitioner and his legal counsel filed an appeal against the Administrative Officer which was denied by the ABZA (BZA-1871).

Petitioner was advised to apply for a special exception to legitimize his breeding kennel operation. In late May, petitioner, aided by staff and without benefit of his attorney, filed a special exception for a breeding kennel; one day later an action for judicial review of the BZA's decision was filed in Superior Court 5. Staff has not received a request for the official record and is waiting for the judge to set a hearing on the matter.

In the meantime, staff has advised petitioner that he does not meet several of the development standards for a kennel as prescribed in the ordinance; namely setbacks and mechanically ventilating and temperature controlling all buildings where animals are kept. Petitioner has not contacted staff to discuss ways to meet those requirements and has not submitted a new site plan or petition showing compliance with the ordinance.

Additionally, staff has tried contacting petitioner multiple times regarding this case to no avail— phone calls are unanswered and emails are ignored. Also, petitioner has not purchased public hearing signs for his property and staff did not publish legal ads (as a courtesy, waiting to see if additional variances would need to be filed).

At this juncture, staff is unable to review petitioner's case, make a recommendation, or attest that all public hearing requirements have been fulfilled.